

Applicant : Ana Gabriela Anaya
Serial No. : 09/346,719
Filed : July 2, 1999
Page : 9 of 11

Attorney's Docket No.: 09857-018001

REMARKS

The examiner rejected claims 1-37 under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of Zusman et al and Kampe et al., in further view of Lange.

Claim 1, as amended, is distinct over the cited references. Claim 1 includes the features of receiving a plurality of incoming messages having market event data from a data feed line, the messages comprising market source data messages and newswire messages, translating received messages into ... a common format ... and publishing the translated messages over a network having a plurality of devices for processing the published messages.

The examiner contends in part that:

Wilson discloses market event messages (which includes market activity data and time data) translated into a common format. Wilson does not disclose translating a portion of received messages into market event messages.

Zusman et al discloses translating a portion of messages into messages having a common format (col 6, lines 26-31). Regarding the recitation to "translating" it is the examiner's position that translating as broadly defined as "to change from one form or style to another" does encompass what is disclosed by Zusman.

Kampe et al discloses market event data as received messages (col 1, lines 45-48).

It would have been obvious to one with ordinary skill in the art to translate a portion of received messages into market event messages having a common format to Wilson because of what is taught by Kampe et al and Zusman et al.

Kampe et al teaches that received messages having market event data must be continuously updated in a synchronous and compatible fashion (col 1, lines 20-67; col 2, lines 1-36). Zusman et al teaches accuracy and timeliness of financial data (col 2, lines 5-10) including standardization of message formats for delivery purposes (col 6, lines 25-42).

This is incorrect. Wilson discloses receiving an order and translating the order into a plurality of protocols, in contrast to what is actually recited in claim 1. Wilson discloses:

For example, if the gateway 1 receives an order from a customer system 2 containing three transactions (as shown in FIG. 3), i.e., (1) purchase 100,000 shares of XYZ stock on the NYSE at \$17/share, (2) sell 200,000 shares of ABC stock on the TSE at \$42/share, and (3) buy 1000 July put options for LMN stock at last asking price, the gateway 1 will count the number of transactions and set flags for each, i.e., three flags. The gateway 1 will also write tracking data relating to each of the three transactions into memory. The gateway 1 will then begin translating the first transaction from FIX protocol into CMS protocol, the second transaction from FIX protocol into STAMP protocol, and the third transaction from FIX protocol into the

Applicant : Ana Gabriela Anaya
Serial No. : 09/346,719
Filed : July 2, 1999
Page : 10 of 11

Attorney's Docket No.: 09857-018001

proper protocol for the relevant options exchange. (Wilson, Col 6, lines 61-67; Col 7, lines 1-7)

While, Wilson translates confirmation from the exchange's protocol into a common protocol, Wilson fails to disclose any mechanisms for translating the received messages into market event messages having a common format. Wilson also fails to disclose receiving a plurality of incoming messages having market event data from a data feed line, the messages comprising market source data messages and newswire messages.

The examiner admits that:

Wilson does not disclose: attaching timing data to the received message, including time extracted from the received message, and a stamp indicating receipt time at the receiver object and other data; activating a function to translate received message into market event data; receiving in an object or activation of objects to perform recited functions - i.e. the use of object oriented language (as now claimed in claims 44, 53, and 55); a stamp indicating a receipt time at the receiver function; time comparison of messages as recited in claims 45, 54, and 56; sequence number registration or updating; validation of market event data further including with: gap data, duplicate message discarding/tracking; and, fields within a market event object format.

The examiner relies on Zusman et al to disclose "Zusman et al discloses translating a portion of messages into messages having a common format (col 6, lines 26-31)." The examiner contends that "It would have been obvious to one with ordinary skill in the art to translate a portion of received messages into market event messages having a common format to Wilson because of what is taught by Kampe et al and Zusman et al."

Applicant contends that Zusman fails to disclose messages comprising market source data messages and newswire messages and translating the received messages into market event messages having a common format, the market event messages including market activity data and time data.

Zusman at col. 6 lines 26-28 discloses: "During normal operation, CTP 22 collects, validates, normalizes and enhances financial market data received from many financial exchanges throughout the world ..."

Thus, assuming that there is suggestion to combine the teachings of Zusman with Wilson, which applicant does not concede, the combined references still fail to suggest messages

Applicant : Ana Gabriela Anaya
Serial No. : 09/346,719
Filed : July 2, 1999
Page : 11 of 11

Attorney's Docket No.: 09857-018001

comprising market source data messages and newswire messages and translating the received messages into market event messages having a common format, the market event messages including market activity data and time data.

To motivate one of ordinary skill in the art, either the references must provide the basis for combining their teachings or there must be a cogent line of reasoning that suggests the desirability of the combination. Neither condition is present here.

Wilson deals with "a gateway for the transfer of information between financial markets and customers." As such, Wilson is merely concerned with providing a gateway that can interface customers with financial markets and transmit customer orders and confirmation between customers/brokers and the financial markets.

In contrast, claim 1 requires market source data messages and newswire messages. None of the references suggest this element.

Assuming *arguendo*, that it is suggested to combine the teachings of Zusman and Wilson, Applicant contends that such combination still does not suggest the teachings of claim 1.

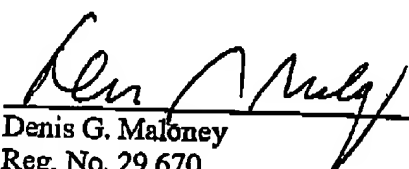
Accordingly, claim 1 is allowable over the references.

Applicant's claims 2-37 are allowable at least for the reasons discussed in claim 1.

Enclosed is a \$1020 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 9/12/05



Denis G. Maloney
Reg. No. 29,670

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

27164901.doc